

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|                             |   |                              |
|-----------------------------|---|------------------------------|
| Benne Singletary,           | ) |                              |
| Plaintiff,                  | ) |                              |
|                             | ) |                              |
|                             | ) |                              |
| v.                          | ) |                              |
|                             | ) | Civil Action No. 06-315- JJF |
| C/O Gosnell, and C/O Waples | ) |                              |
| Defendants.                 | ) |                              |

**STATE DEFENDANTS' DISCOVERY RESPONSE**

State Defendants Gosnell and Waples, by and through undersigned counsel  
hereby respond to plaintiff's request for the incident report for the purposes of discovery:  
See documents provided as Bates stamp D00001 through D00005.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Ophelia M. Waters  
Ophelia M. Waters, I. D. #3879  
Deputy Attorney General  
Carvel State Office Building  
820 North French Street, 6th Floor  
Wilmington, Delaware 19801  
(302) 577-8400  
Counsel for State Defendants

Dated: June 1, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2007, I electronically filed *Response to Discovery pursuant to D.I. 33 to the extent it requests the Incident Report* with the Clerk of Court using CM/ECF. I hereby certify that on June 1, 2007, I have mailed by United States Postal Service, the document to the following non-registered participant: Benne Singletary; SBI # 332365; Delaware Correctional Center; 1181 Paddock Road, Smyrna DE 19977.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Ophelia M. Waters

Ophelia M. Waters, I.D. #3879  
Deputy Attorney General  
820 North French Street, 6<sup>th</sup> Floor  
Wilmington, Delaware 19801  
(302)577-8400  
ophelia.waters@state.de.us

Incident#  
12318

DCC Delaware Correctional Center  
Smyrna Landing Road  
SMYRNA DE, 19977  
Phone#: 302-653-9261

Date: 06/01/2007

### INCIDENT REPORT

|   |                       |   |                                |                   |
|---|-----------------------|---|--------------------------------|-------------------|
| Group#: 2366  | Type: Inmate Involved | Incident Date: 01/15/2006                                       | Time: 10:00                    | Confidential: Yes |
| Facility: SCI Sussex Correctional Institution   |                       | Followup Required: No   |                                |                   |
| Associated Disciplinary Report #(s) 5861  |                       |   |                                |                   |
| Incident Location: MULTI-SECURITY   |                       |   |                                |                   |
| Location Description: Gym/Island I and II/Infirmary   |                       |   |                                |                   |
| Violated Conditions: 1.02/200.201 Assault<br>1.18/200.218 Possession of Dangerous Contraband  |                       |   |                                |                   |
| Description of Incident:<br>On the above date and approximate time I, Cpl W. R. Gosnell was told by Sgt K. Bates to go back into the gym because something was going on. C.O. Waples stated to me that one of the inmates got cut up pretty bad. We did pat searches on each individual departing the gym. I then went into the infirmary and found out that the individual that got cut up was Inmate Benne Singletary 00332365. I asked Inmate Singletary who did this to him and he stated that he fell. After being seen by medical staff Sgt Bates and I escorted Inmate Singletary to the holding cell. I again asked him who did it and he stated that he fell against the gate. Sgt Bates and I discussed the situation with Capt Paul Walker who was the Watch Commander at the time and it was decided to AT him to ASDA pending the outcome of the investigation. Officer M. Justice and I went down to Island I cell two to pack up and inventory Inmate Singletary's personal property. It was then that I found a note from Inmate [REDACTED] describing what had happened between Inmate Singletary and Inmate Antonio Drummond [REDACTED]. Officer Justice and I went to [REDACTED] and pulled [REDACTED] off of the tier. Once off of the tier I showed him the note and asked him if it was from him? He stated yes, that it was from him. I then asked him why did Drummond cut up Singletary? [REDACTED] stated to us (Gosnell, Bates, Justice) that he did not know that Drummond was going to cut up Singletary that he thought that they were just going to go fist to fist and settle their problems with each other. With this evidence Inmate Drummond was pulled off the tier and was transferred to Pre-Trial, Behavior Mod. Inmate Drummond was found without a razor after Officer Justice and I did a razor check for the tier. This is what led me to believe the Inmate Drummond was that individual who did the assault. That is why I asked Inmate [REDACTED] the question that I did to prove my suspicions correct. I would also like to add that [REDACTED] either had prior knowledge that the assault was going to happen and or someone on the tier told him what had happened. I know this to be true due to the fact that [REDACTED] is on LOAP until [REDACTED] and that he did not go to the gym this morning. |                       |   |                                |                   |
| Injured Persons   |                       | Hospitalized  | Nature Of Injuries             |                   |
| Benne, Singletary   |                       | No  | Cuts And Lacerations           |                   |
| Evidence Type: N/A  |                       | Date Collected: N/A   |                                |                   |
| Discovered By: N/A  |                       | Secured By: N/A   |                                |                   |
| Type of Force Used <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input type="checkbox"/> STUN <input type="checkbox"/> OTHER <input type="checkbox"/> CAPSTUN <input checked="" type="checkbox"/> NONE   |                       |   |                                |                   |
| Restraints Used : N/A   |                       |   |                                |                   |
| Immediate Action Taken:<br>Notified watch commander and shooke down area. (Gym)   |                       |   |                                |                   |
| Individuals Involved  |                       |   |                                |                   |
| Person Code   | Name                  | SBI#  | Title                          |                   |
| Staff   | William, Gosnell R    | N/A   | CO Corporal/Sgt. - Large Inst. |                   |
| Witness   | Michael, Justice D    | N/A   | Correctional Officer           |                   |
| Witness   | Kevin, Bates          | N/A   | CO Corporal/Sgt. - Large Inst. |                   |
| Inmate  | [REDACTED]            | [REDACTED]  | N/A                            |                   |
| Inmate  | Antonio, Drummond A   | [REDACTED]  | N/A                            |                   |
| Victim  | Benne, Singletary     | 00332365  | N/A                            |                   |
| Reporting Officer: Gosnell, William R (Co Corporal/Sgt. - Large Inst.)  |                       | Entered By: Gosnell, William R (Co Corporal/Sgt. - Large Inst.) |                                |                   |

Incident#  
12317

DCC Delaware Correctional Center  
Smyrna Landing Road  
SMYRNA DE, 19977  
Phone#: 302-653-9261

Date: 06/01/2007

### INCIDENT REPORT

|   |                     |   |                       |                  |
|---|---------------------|---|-----------------------|------------------|
| Group#: 2366  | Type: FYI           | Incident Date: 01/15/2006                           | Time: 09:45           | Confidential: No |
| Facility: SCJ Sussex Correctional Institution   |                     | Followup Required: No                               |                       |                  |
| Incident Location: MEDICAL  |                     |   |                       |                  |
| Location Description:   |                     |   |                       |                  |
| Violated Conditions:  |                     |   |                       |                  |
| Description of Incident:  |                     |   |                       |                  |
| INMATE ARRIVED WITH RIGHT CHEST WOUND 12CM LONG..WOUND ON RIGHT ARM 9CM LONG..WOUND ON MID BACK FROM LEFT SHOULDER TO RIGHT WAIST...ALL WOUNDS WERE APPROXIMATED WELL AND CLOSED WITH STERI STRIPS...THERE WAS ONE PUNCTURE WOUND ON UPPER LEFT BACK. |                     |   |                       |                  |
| Injured Persons   | Hospitalized        | Nature Of Injuries                                  |                       |                  |
| N/A   | N/A                 | N/A   |                       |                  |
| Evidence Type: N/A  | Date Collected: N/A |   |                       |                  |
| Discovered By :N/A  | Secured By:N/A      |   |                       |                  |
| Type of Force Used <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input type="checkbox"/> STUN <input type="checkbox"/> OTHER <input type="checkbox"/> CAPSTUN <input checked="" type="checkbox"/> NONE                         |                     |   |                       |                  |
| Restraints Used : N/A   |                     |   |                       |                  |
| Immediate Action Taken:<br>N/A  |                     |   |                       |                  |
| Individuals Involved  |                     |   |                       |                  |
| Person Code   | Name                | SBI#  | Title                 |                  |
| Staff   | Rebecca, Dorsch     | N/A   | Contractors - Medical |                  |
| Inmate  | Benne, Singletary   |   | N/A                   |                  |
| Reporting Officer: Dorsch, Rebecca (Contractors - Medical)  |                     | Entered By: Dorsch, Rebecca (Contractors - Medical) |                       |                  |
| Approval Information  |                     |   |                       |                  |
| <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date: 01/16/2006 Approved by: Walker, Paul J III (Shift Commander - Large Inst.)  |                     |   |                       |                  |
| Comments: FYI   |                     |   |                       |                  |



Incident#  
12316

DCC Delaware Correctional Center  
Smyrna Landing Road  
SMYRNA DE, 19977  
Phone#: 302-653-9261

Date: 06/01/2007

### INCIDENT REPORT

|  |                     |   |                      |                  |
|--|---------------------|---|----------------------|------------------|
| Group#: 2366   | Type: FYI           | Incident Date: 01/15/2006                         | Time: 09:45          | Confidential: No |
| Facility: SCI Sussex Correctional Institution  |                     | Followup Required: No                             |                      |                  |
| Incident Location: GYMNASIUM   |                     |   |                      |                  |
| Location Description: hallway between gym and medical  |                     |   |                      |                  |
| Violated Conditions:   |                     |   |                      |                  |
| Description of Incident:<br>at approximately 09:45 I c/o Henry, James heard the buzzer for the gym door, and hit the button for the gym door. Inmate Singletary, Benne walked through the door with blood on his body and shirt, which was removed. I then informed medical staff that they had an inmate coming in and hit the button for the medical door. Inmate Singletary then walked into medical. end of statement. |                     |   |                      |                  |
| Injured Persons  | Hospitalized        | Nature Of Injuries                                |                      |                  |
| Benne, Singletary  | No                  | N/A   |                      |                  |
| Evidence Type: N/A   | Date Collected: N/A |   |                      |                  |
| Discovered By: N/A   | Secured By: N/A     |   |                      |                  |
| Type of Force Used <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input type="checkbox"/> STUN <input type="checkbox"/> OTHER <input type="checkbox"/> CAPSTUN <input checked="" type="checkbox"/> NONE  |                     |   |                      |                  |
| Restraints Used : N/A  |                     |   |                      |                  |
| Immediate Action Taken:<br>N/A   |                     |   |                      |                  |
| Individuals Involved   |                     |   |                      |                  |
| Person Code  | Name                | SBI#  | Title                |                  |
| Inmate   | Benne, Singletary   |   | N/A                  |                  |
| Staff  | James, Henry A      | N/A   | Correctional Officer |                  |
| Reporting Officer: Henry, James A (Correctional Officer)   |                     | Entered By: Henry, James A (Correctional Officer) |                      |                  |
| Approval Information   |                     |   |                      |                  |
| <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date: 01/16/2006 Approved by: Walker, Paul J III (Shift Commander - Large Inst.)   |                     |   |                      |                  |
| Comments: FYI  |                     |   |                      |                  |

Incident#  
12319DCC Delaware Correctional Center  
Smyrna Landing Road  
SMYRNA DE, 19977  
Phone#: 302-653-9261

Date: 06/01/2007

**INCIDENT REPORT**

|   |                       |   |                      |                  |
|---|-----------------------|---|----------------------|------------------|
| Group#: 2366  | Type: Inmate Involved | Incident Date: 01/15/2006                               | Time: 10:00          | Confidential: No |
| Facility: SCI Sussex Correctional Institution   |                       | Followup Required: No                                   |                      |                  |
| Incident Location: MULTI-SECURITY   |                       |   |                      |                  |
| Location Description: gym   |                       |   |                      |                  |
| Violated Conditions: Other  |                       |   |                      |                  |
| Description of Incident:  |                       |   |                      |                  |
| On the above date and time I did see an Inmate trying to get out of the gym due to an unknown injury. He reported to the infirmary.   |                       |   |                      |                  |
| Injured Persons   | Hospitalized          | Nature Of Injuries                                      |                      |                  |
| N/A   | N/A                   | N/A   |                      |                  |
| Evidence Type: N/A  | Date Collected: N/A   |   |                      |                  |
| Discovered By : N/A   | Secured By: N/A       |   |                      |                  |
| Type of Force Used <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input type="checkbox"/> STUN <input type="checkbox"/> OTHER <input type="checkbox"/> CAPSTUN <input checked="" type="checkbox"/> NONE |                       |   |                      |                  |
| Restraints Used : N/A   |                       |   |                      |                  |
| Immediate Action Taken:   |                       |   |                      |                  |
| N/A   |                       |   |                      |                  |
| Individuals Involved  |                       |   |                      |                  |
| Person Code   | Name                  | SBI#  | Title                |                  |
| Staff   | Michael, Waples E Jr  | N/A   | Correctional Officer |                  |
| Inmate  | Benne, Singletary     |   | N/A                  |                  |
| Reporting Officer: Waples, Michael E Jr (Correctional Officer)  |                       | Entered By: Waples, Michael E Jr (Correctional Officer) |                      |                  |
| Approval Information  |                       |   |                      |                  |
| <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date: 01/16/2006 Approved by: Walker, Paul J III (Shift Commander - Large Inst.)  |                       |   |                      |                  |
| Comments: FYI   |                       |   |                      |                  |

Incident#  
12320

DCC Delaware Correctional Center  
Smyrna Landing Road  
SMYRNA DE, 19977  
Phone#: 302-653-9261

Date: 06/01/2007

**INCIDENT REPORT**

|   |                      |                           |                                |                  |
|---|----------------------|---------------------------|--------------------------------|------------------|
| Group#: 2366  | Type: FYI            | Incident Date: 01/15/2006 | Time: 10:00                    | Confidential: No |
| Facility: SCI Sussex Correctional Institution   |                      | Followup Required: No     |                                |                  |
| Incident Location: MULTI-SECURITY   |                      |                           |                                |                  |
| Location Description: Gym/Infirmary   |                      |                           |                                |                  |
| Violated Conditions: 1.02/200.201 Assault   |                      |                           |                                |                  |
| Description of Incident:  |                      |                           |                                |                  |
| On the above date and approximate time Sgt. Bates in G.P. #3 received a phone call from G.P. 2 C/O Henry that a inmate just walked into medical from the gym with what appears to be large cuts on his body. Sgt. Bates, Cpl. Gosnell and C/O M. Justice responded to medical and observed inmate Benne Singletary [REDACTED] with large cuts on his body. Sgt. Bates notified the Watch Commander Capt. Walker and immediately did a shakedown of the gym and yard. Lt. Mears responded and interviewed inmate Singletary. Sgt. Bates, Sgt. Harmon, Sgt. Nelson and Cpl. Gosnell did a shakedown and inventoried inmate Singletary and inmate Antonio Drummond cells. At this time no weapon has been found. |                      |                           |                                |                  |
| Injured Persons   | Hospitalized         | Nature Of Injuries        |                                |                  |
| N/A   | N/A                  | N/A                       |                                |                  |
| Evidence Type: N/A  | Date Collected: N/A  |                           |                                |                  |
| Discovered By: N/A  | Secured By: N/A      |                           |                                |                  |
| Type of Force Used <input type="checkbox"/> PHYSICAL <input type="checkbox"/> CHEMICAL <input type="checkbox"/> STUN <input type="checkbox"/> OTHER <input type="checkbox"/> CAPSTUN <input checked="" type="checkbox"/> NONE   |                      |                           |                                |                  |
| Restraints Used : N/A   |                      |                           |                                |                  |
| Immediate Action Taken:   |                      |                           |                                |                  |
| Notified watch commander and immediately did a shakedown.   |                      |                           |                                |                  |
| Individuals Involved  |                      |                           |                                |                  |
| Person Code   | Name                 | SBI#                      | Title                          |                  |
| Inmate  | Benne, Singletary    | [REDACTED]                | N/A                            |                  |
| Inmate  | Antonio, Drummond A  | [REDACTED]                | N/A                            |                  |
| Staff   | Kevin, Bates         | N/A                       | CO Corporal/Sgt. - Large Inst. |                  |
| Staff   | William, Gosnell R   | N/A                       | CO Corporal/Sgt. - Large Inst. |                  |
| Staff   | Truman, Mears J      | N/A                       | Staff Lt./Lt                   |                  |
| Staff   | Michael, Waples E Jr | N/A                       | Correctional Officer           |                  |
| Staff   | James, Henry A       | N/A                       | Correctional Officer           |                  |
| Reporting Officer: Bates, Kevin (Co Corporal/Sgt. - Large Inst.) Entered By: Bates, Kevin (Co Corporal/Sgt. - Large Inst.)  |                      |                           |                                |                  |
| Approval Information  |                      |                           |                                |                  |
| <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date: 01/16/2006 Approved by: Walker, Paul J III (Shift Commander - Large Inst.)  |                      |                           |                                |                  |
| Comments: FYI   |                      |                           |                                |                  |